

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH (1986), TO AMEND SECTION 6.301 “LANDSCAPING” OF ARTICLE 3. “LANDSCAPING AND BUFFERS” OF CHAPTER 6 “DEVELOPMENT STANDARDS” TO ALLOW LANDSCAPE PLANTING WITH NATIVE PLANTS TO INCLUDE BIORETENTION AREAS, DRIP AND TEMPORARY IRRIGATION SYSTEMS AND PROVIDE A NATIVE PLANT LIST; AMEND CHAPTER 9, “DEFINTIONS” TO ADD DEFINITIONS RELATED TO NATIVE PLANTS, BIORTENTION AREAS AND DRY AND WET SWALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the zoning ordinance establishes regulations for landscaping and buffers including the placement, size, and other development standards; and

**WHEREAS**, these regulations provide uniform development of landscaping requirements throughout the City which minimize any detrimental effects on adjacent properties and on the environment; and

**WHEREAS**, the City’s Storm Water Manual encourages landscaped bioretention areas to reduce runoff, provide filtering of pollutants and increase infiltration of water into the soil and the use of natural drainage patterns;

**WHEREAS**, the City Council recognizes that there is a need to revise the landscape regulations of Article 3 “Landscaping and Buffers” to encourage the use of native plants, water conservation and storm water quality consistent with the Sustainability Plan and allow more flexibility in landscape planning in both commercial and industrial development; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF FORT WORTH, TEXAS AS FOLLOWS:**

**SECTION 1.**

Section 6.301, “Landscaping” of Article 3, “Landscaping and Buffers” of Chapter 6, “Development Standards” of Ordinance Number 13896, the Zoning Ordinance of the City of Fort Worth, is amended by amending Section A. “Purpose”, Section H. “Landscape Area Required” and Section I. “Irrigation” to provide regulations relating to use of native plants, water conservation, storm water quality and the creation of bioretention areas to read as follows:

**Sec. 6.301. Landscaping**

**A. Purpose**

It is the purpose of this Section to preserve the existing and natural environment, ~~whenever possible and to provide landscape amenities, setbacks and screening~~ conserve water, moderate air temperatures, reduce pollution, and filtration of storm water best practices whenever possible and to provide landscape amenities, setbacks and screening with Texas native and adaptive plants. This Section is also intended to promote a positive urban image by promoting quality development, enhancing property values, providing landscape improvements in all parts of the city, and promoting orderly growth and aesthetic quality in the city.

**H. Landscape area required**

Construction projects subject to this section shall provide landscape areas calculated as follows.

1. Commercial and Institutional Uses:
  - a. A minimum of ten percent of net site area shall be landscaped by using one of the following methods: ~~out in the tables below.:~~
    - i. One shrub, a minimum of five gallons in size, for every 50 square feet, or fraction thereof, of required landscape; or
    - ii. For every 75 square feet, or fraction thereof, of required landscape area, a cluster of native shrubs and or grasses, consisting of a minimum of five (5) plants, three (3) gallon in size and grouped with similar watering requirements from the approved native plant list found in Table A. below. Plants may not exceed four (4) feet in height in the required front yard. Existing natural vegetation shall be preserved when possible.

**Table A. Recommended List of Native Plants for Landscape Use in North Central Texas**

**Key:** **E**=Evergreen/**D**=Drought resistant in full sun with reflected heat/**P**=Tolerates poor drainage, can be used in parkways and other places where roots are confined and drainage periodically may be poor/**S**=Shade tolerant/**B**=Attracts birds or butterflies/**F**=Very showy in flower, fruit or fall foliage; **FF** indicates more than one showy characteristic/**X**=Cross Timbers or Trinity sands only, not in the Blacklands or limestone.

Native Plants								
Common Name	Key							Scientific Name
Grasses								
	E	D	P	S	B	F	X	
Switchgrass			P		B	F		Panicum virgatum
Big Bluestem		D	P		B	F		Andropogon gerardii
Buffalogarss		D						Buchloe dactyloides
Bushy Bluestem			P		B	F		Androphgon gloeratus
Eastern Gamagrass			P	S				Tripsacum dactyloides
Gulf Muhly			P		B	F		Muhlenbergia capillaris
Indiangrass		D	P		B	F		Sorghastrum natans
Inland Seoats			P	S	B	F		Chasmanthium latifolium
Lindheimer Muhly		D	P		B	F		Muhlenbergia lindheimeri
Little Bluestem		D			B	FF		Schizachyrium scoparium
Seep Muhly		D	P	S	B			Muhlenbergia reverchonii
Sideoats Gama		D			B	F		Bouteloua curtipendula
Splitbeard Bluestem		D	P			F	X	Andropogon ternarius
Shrubs								
Agarito	E	D			B	F		Mahonia trifoliolata
American Beautyberry			P	S	B	F		Callicarpa americana
Apache Plum		D			B	F		Fallugia paradoxa
Autume Sage		D			B	F		Salvia greggii
Canyon Senna		D				F		Cassia wislizenii
Coralbean		D			B	F		Erythrina herbacea
Coralberry				S	B	F		Symphoricarpus orbiculatus
Dwarf Wax Myrtle	E		P	S	B			Myrica pussila
Flame Acanthus		D			B	F		Anisacanthus wrightii
Fragrant Sumac		D			B	F		Rhus aromatica
Indigobush			P		B	F		Amorpha fruticosa
Mountain Sage				S	B	F		Salvia regla
Pale Leaf Yucca	E	D		S	B	F		Yucca pallida
Red Yucca	E	D	P	S	B	F		Hesperaloe parviflora
Smooth Sumac		D			B	FF		Rhus glabra
Texas Barberry	E	D			B	F		Mahonia swaseyi
Texas Mock Orange						F		Philadelphus texensis
Texas Sage/Cenizio	E	D				F		Leucophyllum frutescens
Turk’s Cap		D	P	S	B	F		Malvaviscus drummondii
Virginia Sweetspire			P	S	B	F		Itea virginica
White Honeysuckle Bush				S	B	F		Lonicera albiflora
Groundcover								
Cedar Sage				S	B	F		Panicum virgatum

Frogfruit		D	P		B			Phyla nodiflora
Golden Groundsel		D		S		F		Senecio obovatus
Horseherb				S				Calypocarpis vialis
Lyreleaf Sage	E		P	S		F		Salvia Lyrata
Missouri Violet				S		F		Viola missouriensis
Pigeon Berry			P	S	B	F		Rivina humilis
Virginia Creeper			P	S	B	F		Parthenocissus quinquefolia
Wood Fern				S				Thelypteris kunthii
<b>Vines</b>								
Carolina Jessamine	E		P		B	F		Gelsemium sempervirens
Climbing Prairie Rose			P		B	F		Rosa setigera
Coral Honeysuckle			P		B	F		Lonicera sempervirens
Crossvine	E		P	S	B	F		Bignonia capreolata
Passion Flower			P	S	B	F		Passiflora incarnata
Virginia Creeper			P	S	B	F		Parthenocissus quinquefolia
<b>Adaptive</b>								
White Yarrow	E	D	P		B	F		Achillea millifolium
Butterfly Bush					B	F		Buddleja spp
Mexican Bush Sage		D			B	F		Salvia leucantha
Mexican Oregano	E	D			B	F		Poliomenantha longiflora
Ox-Eyed Daisies	E		P		B	F		Chrysanthemum leucanthemum

Source: North Central Texas Council of Governments

- b. All landscaped areas shall:
  - i. be located outside the perimeter of the footprint of a building or structure;
  - ii. protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and
  - iii. be covered with grass, organic mulch or low maintenance groundcover.
- c. A minimum of 75% of all required landscape area shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, a minimum of 75% of all required landscape shall be located in the yard adjacent to the street with the greatest pavement width. The Planning and Development Director may approve a 5% modification to the percentage requirement. When an artificial lot or a building expansion is separated from property adjacent to a street frontage, the required landscape areas may be located anywhere on the subject to the perimeter footprint of a building or structure.
- d. Landscaped Bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.

- e. The minimum percentage of the landscape area required in the front yard between the building line and the front property line may be reduced to 50% provided that native/adapted plants are used in conjunction with storm water quality facilities as approved by the Department of Transportation and Public Works and as provided in the Storm Water Quality Manual.
2. Industrial Uses and Manufactured Home Uses:
- a. A minimum of four (4) percent net site area, or, at the option of the developer, a landscape area of at least thirty (30) feet in depth along the length of the property line frontage on all public right-of-way adjacent to the property shall be landscaped by using one of the following methods:
    - i. For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons is required, or
    - ii. For every 75 square feet, or fraction thereof, of required landscape area, a cluster of native shrubs and or grasses, consisting of a minimum of five (5) plants, three (3) gallon in size and grouped with similar watering requirements, from the approved native plant list found in Appendix F. "Landscaping", of the City's Storm Water Manual. Plants may not exceed four (4) feet in height in the required front yard. Existing natural vegetation shall be preserved when possible.
  - b. All landscaped areas shall:
    - i. be located outside the perimeter of the footprint of a building or structure;
    - ii. protected by wheel stops, curbs or other physical barriers where adjacent to vehicle use areas; and
    - iii. be covered with grass, organic mulch or low maintenance ground cover.
  - c. A minimum of 75% of all required landscape area shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, a minimum of 75% of all required landscape shall be located in the yard adjacent to the street with the greatest pavement width. The Planning and Development Director may approve a 5% modification to the percentage requirement. When an artificial lot or a building expansion is separated from property adjacent to a street frontage, the required landscape areas may be located anywhere on the subject to the perimeter footprint of a building or structure.
  - d. Landscaped Bioretention areas are encouraged for natural drainage channels to reduce runoff and increase infiltration of water into the soil.
  - e. The minimum percentage of the landscape area required in the front yard between the building line and the front property line may be reduced to 50% provided that native/adapted plants are used in conjunction with storm water

quality facilities as approved by the Department of Transportation and Public Works and as provided in the Storm Water Quality Manual.

4. ~~Minimum Landscape Area for Undeveloped Sites.~~

Building/Structure Footprint	Minimum Area to be Landscaped (greater of):
0 to 10,000 square feet	500 square feet or 10 percent of footprint
10,001 to 20,000 square feet	1,000 square feet or 9 percent of footprint
20,001 to 30,000 square feet	1,800 square feet or 8 percent of footprint
30,001 to 40,000 square feet	2,400 square feet or 7 percent of footprint
40,001 to 50,000 square feet	2,800 square feet or 6 percent of footprint
50,001 square feet and over	3,000 square feet or 5 percent of footprint

**I. Irrigation**

1. A permanently installed irrigation system shall be installed to provide total water coverage to all plant materials installed.
2. A temporary irrigation system shall be installed for new native plantings for up to one year in order to establish root systems.
3. A drip irrigation system as required by the City's Water Department (Water Conservation Manual, Section 35-162 of the City Code) shall be installed for native and adaptive plant material in new commercial and industrial planting beds less than five (5) feet in width.

**SECTION 2.**

Section 6.301, "Landscaping" of Article 3, "Landscaping and Buffers" of Chapter 6, "Development Standards" of Ordinance Number 13896, the Zoning Ordinance of the City of Fort Worth, is amended by deleting Section J. "Miscellaneous Requirements" and to renumber the following sections:

Sections L., "Modification of Landscape Requirements" to Section J.;  
Section M., "Installation and Maintenance" to Section K; and  
Section N., "Variances by Board of Adjustment" to Section L.

### SECTION 3.

Section 9.101, “Defined Terms” of Chapter 9, “Definitions” of Ordinance Number 13896, the Zoning Ordinance of the City of Fort Worth, is amended to add the following definitions:

**Plant, Grouping:** A collection of native and or adapted plants united in a group.

**Plant, Native:** A plant that lives or grows naturally in a particular region without direct or indirect human intervention.

**Plant, Adapted.** A plant originally found in other parts of the nation or world that thrives in the North Central Texas area.

**Temporary Irrigation:** An irrigation system that is used to establish native and adaptive plant species and is removed after one year of establishment period.

**Bioretention Area:** structural storm water areas, including dry and wet swales, which capture and treat runoff using soils and vegetation in shallow basins or landscaped areas.

**Dry Swale:** A system that consists of an open conveyance channel with a filter bed of permeable soils that overlay an under drain system. Flow passes into and is detained in the main portion of the channel where it is filtered through the soil bed. Runoff is collected by a perforated pipe and gravel under drain system to the outlet.

**Wet Swale:** A system that consists of an open conveyance channel which has been excavated to the water table or to poorly drained soils.

### SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

### SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 6.**

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

#### **SECTION 7.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 8.**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.



**SECTION 9.**

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Assistant City Attorney

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_